

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:11-CR-161-1
)	
JOHNNY REID EDWARDS)	

**GOVERNMENT’S MOTION IN LIMINE REGARDING
POSSIBLE SENTENCE OR CONSEQUENCES OF CONVICTION**

The United States of America, by and through the undersigned attorneys, respectfully moves this Court to instruct the Defendant and his attorneys not to mention or refer to in any manner, before the jury or prospective jury panel, the possible criminal penalties or other consequences that may be imposed upon the defendant if he is convicted of any offense. In support of this motion, the Government shows the Court as follows:

I. Factual Background

The defendant is charged with six felony offenses related to his 2008 campaign for the Presidency of the United States. If convicted at trial, the defendant faces incarceration, fines, restitution and other penalties, within the discretion of this Court. In addition, as a member of the State Bar of North Carolina, the defendant faces the possibility of disbarment or the suspension of his law license if he is convicted. The Government seeks to ensure that the range of possible penalties and consequences of a conviction are not placed before the jury.

II. Discussion

The duty of imposing a sentence rests solely upon this Court and is not a proper consideration for the jury. *United States v. Meredith*, 824 F.2d 1418, 1429 (4th Cir. 1987). *See also United States v. Goodface*, 835 F.2d 1233, 1237 (8th Cir. 1987); *United States v. Greer*, 620 F.2d 1383, 1384 (10th Cir. 1980); *United States v. Davidson*, 367 F.2d 60, 63 (6th Cir. 1966); 1 L. Sand, et. al., Modern Federal Jury Instructions - Criminal, Instruction No. 9-1 (2010).

Any reference to possible punishment by the defendant or his attorneys during the trial of this matter could be construed by the jury as directing them to consider punishment as part of the deliberations, may raise concerns in the mind of the jury about the appropriateness of such penalties and may improperly engender sympathy for the defendant.

The Government respectfully moves the Court to instruct the defendant and counsel that any discussion of penalties or consequences of a conviction is not appropriate and will not be permitted.

The Government has conferred with counsel for the defendant who agrees that discussion of such matters would be improper.

Dated: March 16, 2012

Respectfully submitted,

JOHN STUART BRUCE
Attorney for the United States
Acting under authority
conferred by 28 U.S.C. § 515

JACK SMITH
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CERTIFICATE OF SERVICE

This is to certify that on March 16, 2012, I filed the foregoing document on the Court's CM/ECF system, which will transmit a copy to the following counsel of record in this case:

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